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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 RED LION HOTELS
8 FRANCHISING, INC.,

9 Plaintiff,

10 v.

11 CENTURY-OMAHA LAND, LLC.,
12 and EDWIN W. LESLIE,

13 Defendants.

NO: 2:18-CV-0131-TOR

ORDER DENYING DEFENDANT
LESLIE'S MOTION TO
RECONSIDER

14 BEFORE THE COURT is Defendant Edwin W. Leslie's Motion to
15 Reconsider (ECF No. 40). The Motion was submitted for consideration without a
16 request for oral argument. The Court has reviewed the briefing, the record, and
17 files herein, and is fully informed.

18 A motion for reconsideration of a judgment may be reviewed under either
19 Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or
20 Rule 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255,

ORDER DENYING DEFENDANT LESLIE'S
MOTION TO RECONSIDER ~ 1

1 1262 (9th Cir. 1993). “Reconsideration is appropriate if the district court (1) is
2 presented with newly discovered evidence, (2) committed clear error or the initial
3 decision was manifestly unjust, or (3) if there is an intervening change in
4 controlling law.” *Id.* at 1263; *United Nat. Ins. Co. v. Spectrum Worldwide, Inc.*,
5 555 F.3d 772, 780 (9th Cir. 2009). “There may also be other, highly unusual,
6 circumstances warranting reconsideration.” *School Dist. No. 1J*, 5 F.3d at 1263.

7 Whether to grant a motion for reconsideration is within the sound discretion
8 of the court. *Navajo Nation v. Confederated Tribes and Bands of the Yakima*
9 *Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003). A district court does not
10 abuse its discretion when it disregards legal arguments made for the first time on a
11 motion to alter or amend a judgment. *United Nat. Ins. Co.*, 555 F.3d at 780
12 (quotation marks and citations omitted); *Carroll v. Nakatani*, 342 F.3d 934, 945
13 (9th Cir. 2003) (“A Rule 59(e) motion may not be used to raise arguments or
14 present evidence for the first time when they could reasonably have been raised
15 earlier in the litigation.”). Reconsideration is also properly denied when the
16 movant “present[s] no arguments . . . that had not already been raised” previously.
17 *Taylor v. Knapp*, 871 F.2d 803, 805 (9th Cir. 1989).

18 Here, Defendant simply repeats his previous argument that the “Arbitrator
19 failed to cite that his decision was made and decided in accordance with the
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1 Washington Fair Franchising Act.” Compare ECF No. 36 at 11 *with* ECF No. 40
2 at 10.

3 The Motion for Reconsideration is therefore **denied**. *Taylor v. Knapp*, 871
4 F.2d at 805 (reconsideration is properly denied when the movant “present[s] no
5 arguments . . . that had not already been raised” previously).


6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

7 Defendant Edwin W. Leslie’s Motion for Reconsideration (ECF No. 40) is
8 **DENIED**.

9 The District Court Executive is hereby directed to enter this Order, furnish
10 copies to the parties. The file is to remain closed.

11 **DATED** August 27, 2019.




THOMAS O. RICE
Chief United States District Judge